

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JUSTIN HEATH SMITH,  
a/k/a “Austin Wolf,”

Defendant.

**Order of Continuance**

24 Mag. 2422

Upon the application of the United States of America and the affirmation of Getzel Berger, Assistant United States Attorney for the Southern District of New York, it is found that the defendant was charged in a complaint with violations of 18 U.S.C. § 2252A(a)(2)(A) and (a)(5)(B) and arrested on June 28, 2024;

It is further found that the defendant was presented before Magistrate Judge Tarnofsky in this District on June 28, 2024, and was ordered detained;

It is further found that, on July 23, 2024, Magistrate Judge Valerie Figueredo entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until August 28, 2024;

It is further found that, on August 27, 2024, Magistrate Judge Stewart D. Aaron entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until September 27, 2024;

It is further found that Michael Baldassare, Esq. and Thomas Andrykovitz, Esq., counsel for defendant, and Assistant United States Attorney Getzel Berger have been engaged in, and are continuing, discussions concerning a possible disposition of this case;

It is further found that the Government has requested a continuance of 30 days to engage in further discussions with counsel about the disposition of this case and that the defendant, through counsel, has consented that such a continuance may be granted for that purpose, specifically consenting to an extension of the deadlines under Rule 5.1 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(b) for an additional 30 days; and

It is further found that the granting of such a continuance is for good cause shown and best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial; and therefore it is

ORDERED that the request for a continuance pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A) is hereby granted until October 28, 2024, and that a copy of this Order and the affirmation of Assistant United States Attorney Getzel Berger be served on counsel for the defendant by the United States Attorney's Office.

Dated: New York, New York  
September 24, 2024

  
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UNITED STATES MAGISTRATE JUDGE